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Human rights situations that require the Council's attention

Written statement* submitted by the International Gay and Lesbian Human Rights Commission, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The LGBT rights situation in the Islamic Republic of Iran

The International Gay and Lesbian Human Rights Commission (IGLHRC) is deeply troubled by the Iranian authorities' systematic violation of individuals' rights based on their actual or perceived sexual orientation.

The Islamic Republic of Iran is a founding member of the United Nations, and one of the original signatories of the Universal Declaration of Human Rights. Despite this, Iran continues to implement laws and policies that are both discriminatory and unfairly biased.

The Universal Declaration of Human Rights starts by declaring that 'All human beings are born free and equal in dignity and rights", immediately adding that "Everyone is entitled to all the rights and freedoms … without distinction of any kind..."

The current laws and practices of the Iranian government, unfortunately, stand in sharp contrast to these promises. Article 237 of the 2013 Penal Code of the Islamic Republic of Iran officially declares being homosexual a crime, punishable by 31 to 74 lashes. In other words, the government of Iran considers having a different sexual orientation a valid legal ground for punishment, hence depriving thousands of gays and lesbians from enjoying equal rights and freedom that are protected under the Universal Declaration of Human Rights.

The Islamic Republic of Iran is also one of the few countries that continues to impose the death penalty for consensual same-sex relations between adult men[1]. In the words of Mr. Mohamad Javad Larijani, the top advisor to Iran's head of Judiciary, in the view of the Iranian government, the "right to life" is not applicable to homosexuals[2].

Over the years, IGLHRC and other human rights organizations have documented cases of arrest, torture, and mistreatment of individuals who were detained by the authorities because of suspicion that they were gay or lesbian.[3] These and other human rights violations against individuals accused of homosexuality were duly noted by Denmark during the October 2014 interactive dialogue with Iran, when they requested the Islamic Republic of Iran to ensure, "in accordance with ICCPR articles 5 and 7, freedom from torture while in detention for all, regardless also of sexual orientation."

Iran's violations of the human rights of those suspected of homosexuality is not limited to punitive measures. The government of Iran continues to limit freedom of speech regarding issues related to homosexuality. As IGLHRC has shown in its April 2014 submission to the UN Universal Periodic Review, over the past few years the authorities in Iran have banned publications, shut down newspapers, blocked access to websites, and terminated university professors airing issues related to homosexuality and sexual orientation[4]. Perhaps the best example of the Iranian government's strict censorship of such material is the state ban of the *Born Free and Equal* manual, which is an official publication of the United Nations Office of the High Commissioner for Human Rights[5].

In response to repeated requests by the international community, including UN treaty bodies (both Human Rights Committee[6] and Committee on Economic, Social and Cultural

[1] Article 233-236 of the 2013 Islamic Penal Code of the Islamic Republic of Iran.

[2] http://www.humanrights-iran.ir/news-30829.aspx [Last Accessed Februrary13, 2015]

[3] For a list of these arrests, please see December 20 letter to Iran's President : http://iglhrc.org/content/iran-joint-open-letter-iranian-president-rouhani

[4] http://iglhrc.org/sites/default/files/UPRSubmission.pdf

[5] http://www.ohchr.org/EN/Issues/Discrimination/Pages/BornFreeEqualBooklet.aspx

[6] Please see CCPR/C/IRN/CO/3 (2011) at http://www.ohchr.org/EN/countries/AsiaRegion/Pages/IRIndex.aspx

Rights[7]) and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran[8], the government of Iran continues to justify the human rights violations of individuals suspected of being gay or lesbian by religious and cultural arguments[9] and accuses UN officials of interference in Iran's domestic affairs and offending Iranian's religious beliefs.[10]

IGLHRC firmly believes in the universality of human rights principles. No state can shield behind religion, culture, or tradition to justify acts of discrimination, abuse, and deprivation of fundamental human rights. As a founding member of the United Nations and one of the first endorsers of the Human Rights Declaration, and as a state party to International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, Iran has a responsibility to treat all individuals equal, without any distinction based on their sexual orientation and/or gender identity.

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[7] Please see E/C.12/IRN/CO/2 (2013) at http://www.ohchr.org/EN/countries/AsiaRegion/Pages/IRIndex.aspx

[8] Please see (A/HRC/19/66) at http://www.ohchr.org/EN/countries/AsiaRegion/Pages/IRIndex.aspx

[9] Statements by Ayatollah Amoli Larijani, head of Iran Judiciary on August 14, 2014: http://www.farsnews.com/newstext.php?nn=13930520001280 [last accessed February 13, 2015]

[10] Statement by Mr. Javad Larijani on Iran's national TV, March 17, 2014: http://isna.ir/fa/news/92122617115/%D8%A7%D8%AD%D9%85%D8%AF-%D8%B4%D9%87%DB%8C%D8%AF-%DA%AF%D8%B2%D8%A7%D8%B1%D8%B4%DA%AF%D8%B1%DB%8C-%D9%86%D9%85%DB%8C-%DA%A9%D9%86%D8%AF-%D9%81%D8%B1%D8%AF%DB%8C-%D8%B1%D8%A7-%D8%A8%D9%87-%D8%AF%D9%84%DB%8C%D9%84 [last accessed February 13, 2015]